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13 **UNITED STATES BANKRUPTCY COURT**

14 **CENTRAL DISTRICT OF CALIFORNIA – RIVERSIDE DIVISION**

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In re:

BETTER NUTRITIONALS, LLC., a
California limited liability company,

Debtor.

Case No.: 6:22-BK-14723-MH

Chapter 7

**STIPULATION AUTHORIZING CHAPTER 7
TRUSTEE TO PAY GOLI NUTRITION INC.
THE PROCEEDS FROM THE SALE OF
PROPERTY SOLD DURING THE
TRUSTEE'S AUCTION OF ESTATE
PROPERTY**

[No Hearing Required]

This Stipulation is made by and between Larry D. Simons, solely in his capacity as Chapter 7 Trustee (the “Trustee”) for the estate of Better Nutritionals, LLC (the “Debtor”), on the one hand, and Goli Nutrition Inc. (“Goli,” and together with the Trustee, the “Parties”), on the other hand. The Parties hereby represent as follows:

RECITALS

1. On December 20, 2022, the Debtor commenced its bankruptcy case by filing a voluntary petition for relief under Chapter 11 of the Bankruptcy Code.

2. On October 12, 2023, the Trustee filed a motion to sell the Debtor's personal property assets (the "Personal Property") [Doc 707] (the "Sale Motion").

3. The Sale Motion provided that the Personal Property to be sold included assets claimed to be owned by Goli, but Goli would consent to the inclusion of certain assets in the auction provided that the Trustee hold the net proceeds from such sale and remit such proceeds to Goli. The assets claimed to be owned by Goli (“Goli Claimed Assets”) were identified in a supplement to the Sale Motion filed on October 17, 2023 [Doc 726].

4. The Sale Motion was granted by order entered on November 3, 2023 [Doc 772].

5. On December 9, 2023, the Court entered an order authorizing Trustee to abandon unsold tangible personal property located at the Norco Facility as of December 1, 2023 [Doc. 804].

6. Trustee's auctioneer, with Goli's consent, sold the fifteen lots identified in the exhibit attached hereto as Exhibit "A", receiving gross proceeds from in the amount of \$14,546.25 ("Gross Proceeds"). Goli contends that these proceeds are not property of the Estate and should be remitted to Goli. From the Gross Proceeds, Trustee's auctioneer deducted \$5,784.89 in pro-rated expenses and compensation, and Trustee is currently holding \$8,761.36, representing the remainder of the Gross Proceeds.

STIPULATION

NOW, THEREFORE, in consideration of the foregoing, the Parties stipulate as follows:

1. The Trustee shall issue a check in the amount of \$8,761.36 payable to Goli Nutrition, Inc. upon entry of an order approving this Stipulation.

2. The check shall be mailed to Goli's counsel, Eve H. Karasik, Levene, Neale, Bender, Yoo & Golubchik LLP, 2818 La Cienega Avenue, Los Angeles, California 90034.

3. Upon delivery of the proceeds check in the amount of \$8,761.36 in accordance with this Stipulation, neither the Estate, Trustee, nor any of Trustee's agents or professionals (including specifically Trustee's auctioneers, the joint venture of Onyx Asset Advisors, LLC; Gordon Brothers Commercial and Industrial, LLC, and

1 Branford Auctions, LLC, and their affiliates) shall have any liability to Goli arising
2 from the Goli Claimed Assets.

3 4. Nothing in this Stipulation shall be construed as a waiver of any party's rights with
4 respect to the ownership of any asset.

5
6 Dated: February 14, 2024 LEVENE, NEALE, BENDER, YOO &
7 GOLUBCHIK L.L.P.

8 By:s/ Carmela T. Pagay
9 EVE H. KARASIK
CARMELA T. PAGAY
10 Attorneys for Goli Nutrition Inc.

11 Dated: February 22, 2024

12 By: 
13 LARRY D. SIMONS
Chapter 7 Trustee

1 PROOF OF SERVICE OF DOCUMENT

2 I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business
3 address is 2818 La Cienega Avenue, Los Angeles, California 90034.

4 A true and correct copy of the foregoing document entitled **STIPULATION AUTHORIZING CHAPTER 7**
5 TRUSTEE TO PAY GOLI NUTRITION INC. THE PROCEEDS FROM THE SALE OF PROPERTY
SOLD DURING THE TRUSTEE'S AUCTION OF ESTATE PROPERTY will be served or was served (a)
5 on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner
stated below:

6 **1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to
7 controlling General Orders and LBR, the foregoing document will be served by the court via NEF and
hyperlink to the document. On **February 23, 2024**, I checked the CM/ECF docket for this bankruptcy
8 case or adversary proceeding and determined that the following persons are on the Electronic Mail
Notice List to receive NEF transmission at the email addresses stated below:

- 9 • Matthew R Agren magren@agrenlaw.com
- 10 • Natalie A Alvarado natalie@nalvaradolaw.com, natalie@nalvaradolaw.com
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- 5 • S Christopher Yoo cyoo@fbtlaw.com, vdelgado@fbtlaw.com
- 6 • John D Zemanek jz@zmlawpc.com

7 **2. SERVED BY UNITED STATES MAIL:** On **February 23, 2024**, I served the following persons and/or
8 entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true
9 and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and
10 addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be
11 completed no later than 24 hours after the document is filed.

Honorable Mark D. Houle United States Bankruptcy Court 3420 Twelfth Street, Suite 325, Courtroom 301 Riverside, CA 92501-3819	Better Nutritionals, LLC 3390 Horseless Carriage Drive Norco, CA 92860
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12 Service information continued on attached page

13 **3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR**
14 **EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR,
15 on **February 23, 2024**, I served the following persons and/or entities by personal delivery, overnight mail
16 service, or (for those who consented in writing to such service method), by facsimile transmission and/or
17 email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight
18 mail to, the judge will be completed no later than 24 hours after the document is filed.

19 None.

20 I declare under penalty of perjury under the laws of the United States of America that the foregoing is
21 true and correct.

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23 February 23, 2024	24 D. Woo	25 <i>/s/ D. Woo</i>
26 Date	27 Type Name	28 Signature